

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 21, 1998

DIVISION ONE

B120091	Birds v. Thompson et al.
B120092	Birds v. Looney et al.
B120093	Birds v. Laubscher et al.
B120094	Birds v. Zabriskie et al.

Filed order consolidating above captioned appeals.

DIVISION TWO

[illegible]

The judgment of conviction is affirmed. The matter is remanded for resentencing in accordance with the views expressed herein.

Nott, J.

We concur: Fukuto, Acting P.J.
 Zebrowski, J.

DIVISION THREE

B110334 People (Not for Publication)
v.
Dedric Lane Duncan

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Aldrich, J.
Goodman, J. (Assigned)

DIVISION FOUR

B107275 Navarro (Not for Publication)

v.

Hill's Pet Nutrition Company, et al.

The judgment is affirmed. Costs on appeal are awarded to respondents.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

B112748 2815-2819 West Olive Avenue Ltd. (Not for Publication)

v.

Wall

The judgment is affirmed. Respondents to recover their costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

B118628 Gambill and Charles (Not for Publication)

v.

The Superior Court of Los Angeles County
Schureman, Ph.D.

We conclude that the facts presented by the moving papers, including the expert testimony, provide the proper foundation for a punitive damages claim, and that the trial court erred in denying the motion. Let a peremptory writ of mandate issue directing respondent to vacate its order denying petitioners' motion to amend to add punitive damages and instead to grant the motion. Costs awarded to petitioners.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

DIVISION FOUR (Continued)

B113208 Lionel Simon dba Liberty Paper Company (Not for Publication)
 v.
 San Paolo Bank

The judgment (orders granting summary judgment, denying reconsideration and denying leave to amend) is affirmed.

Hastings, Acting P.J.

We concur: Baron, J.
 Czuleger, J. (Assigned)

B086001 State of California et al. (Certified for Publication)
 v.
 Pacific Indemnity Company

The trial court's finding that Pacific Indemnity is obligated to provide an entire defense is affirmed. The trial court's calculation of costs or work done by the Attorney General's office is reversed. The matter is remanded for the trial court to calculate fees based on the rate the Attorney General's office charges other state agencies, plus any incidentals, and interest. The trial court's determination that the contingency fee agreement entered into between the State and Irell & Manella is reasonable is reversed. Pacific Indemnity is ordered to compensate Irell & Manella at its regular hourly rate. Each party is to bear its own costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Czuleger, J. (Assigned)

May 21, 1998-Continued

DIVISION FOUR (Continued)

B107774 Whoop, Inc. (Certified for Publication)

V.

Dyno Productions, Inc.

The judgment is affirmed. Costs on appeal are awarded to respondent.

Hastings, J.

We concur: Vogel (C.S.), P.J.

Epstein, J.

B106849 People (Not for Publication)

V.

Sparks

The judgment is affirmed and the matter is remanded for the court to strike one year from the sentence and to correct the abstract of judgment to so reflect.

Hastings, J.

We concur: Vogel (C.S.), P.J.

Epstein, J.

B112329 People (Not for Publication)

V.

Harrity

The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

DIVISION FOUR (Continued)

B112270 People (Not for Publication)

V.

Talamantes

The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B099760 People (Not for Publication)

V.

Ellis

The judgment is affirmed. The abstract is ordered corrected to reflect 58 days of section 2933.1 credits, a four-year enhancement for the gun use on count 1, that the term for count 4 is to run concurrent to count 1, and that appellant received a two-year enhancement for section 12022.1, but that it was stayed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B119338 Clara T. (Not for Publication)

V.

Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is granted.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FOUR (Continued)

B119452 Zamudio (Certified for Publication)

v.
Superior Court, Los Angeles County
(The People, r.p.i.)

Let a peremptory writ of mandate issue directing respondent to vacate its order of February 10, 1998, denying petitioner access to the juror questionnaires, and instead issue a new order granting the request with the personal juror identification redacted.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

B113305 People (Not for Publication)

v.
Padilla

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

B120257 Dawn H. (Not for Publication)

v.
Superior Court, Los Angeles County
(Los Angeles County Dept. of Children and Family Services, r.p.i.)

The petitions are denied.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

May 21, 1998-Continued

DIVISION FOUR (Continued)

B110511 People (Not for Publication)
v.
Coleman

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B107455 Davoudgoleh (Not for Publication)
v.
Rashti

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

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The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Czuleger, J. (Assigned)

DIVISION FOUR (Continued)

B099918 De Cuir (Certified for Publication)

v.
County of Los Angeles

The judgment is reversed and the trial court is directed to enter judgment in favor of defendants on plaintiff's complaint. Costs on appeal are awarded to defendants and appellants.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Czuleger, J. (Assigned)

DIVISION FIVE

B105581 Vicente Valmonte (Not for Publication)

v.
Metropolitan State Hospital et al.

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
Armstrong, J.

B112287 People (Not for Publication)

v.
Grant

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
Grignon, J.

May 21, 1998-Continued

DIVISION FIVE (Continued)

B114268 People (Not for Publication)
v.
Deleon

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

B110857 People (Not for Publication)
v.
Talvensaaari

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

B113875 People (Not for Publication)
v.
Godines

The abstract of judgment is ordered corrected to reflect that a restitution fine of \$200 is imposed on appellant. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

May 21, 1998-Continued

DIVISION FIVE (Continued)

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The trial court's orders are affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B113559 Cobb (Not for Publication)
v.
University of Southern California

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B108555 Bockrath (Certified for Partial Publication)
v.
Aldrich Chemical Company, Inc. et al.

The judgment is affirmed. Defendants are to recover their costs on appeals from plaintiff, Thomas A. Bockrath.

Turner, P.J.

I concur: Armstrong, J.
I concur: Godoy Perez, J. (opinion)

May 21, 1998-Continued

DIVISION SIX

[illegible]

The judgment is affirmed.

Yegan , J.

We concur: Stone, P.J.
 Gilbert, J.

DIVISION SEVEN

B114401 People (Not for Publication)
v.
Williams

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B110337 People (Not for Publication)
v.
Miller

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

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The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B109014 People (Not for Publication)
v.
Iles

The judgment is modified to reflect a stay of the sentence imposed on count 2 for discharge of a firearm with gross negligence, and an award of 45 days good time/work time credit, in place of 152 days. The superior court is directed to prepare an amended abstract of judgment. In all other respects, the judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

DIVISION SEVEN (Continued)

B119614 In re Cleandell C., a minor (Not for Publication)
Dorian H.
v.
Superior Court, Los Angeles County
(Dept. of Children and Family Services, County of Los Angeles, r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits. (See *In re Joanne Y.* (1992) 8 Cal.App.4th 433, 439; *In re Shaundra L.* (1995) 33 Cal.App.4th 303, 316.)

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B104071 People
v.
Mangram

Filed order denying petition for rehearing.